

ZB# 78-13

NW Associates/ Ponderosa  
Systems

35-1-59.2



Public Hearing

April 10, 1978

8:45 p.m.

Notify OCPD

Rear yard variance  
for parking.  
(Crea)

---

Plans submitted to

Secretary on - 4/10/78.

# GENERAL RECEIPT

3621

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF William J. Larkin April 18 1978  
Fifty and 00/100 \$ 50.00  
DOLLARS

FOR B. A. Varassee Fee Application 78-13  
DISTRIBUTION:

FUND	CODE	AMOUNT
<u>50.00</u>		
<u>Check</u>		

BY Charlotte Mancantonio  
Reputy  
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

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TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

3/10/75  
Daniel



ZONING BOARD OF APPEALS ; TOWN OF NEW WINDSOR

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In the Matter of the Application of  
NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.  
Application #78-13.

DECISION GRANTING  
AREA VARIANCE

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WHEREAS, NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.  
of 161 Hillside Avenue, Cresskill, New Jersey 07626, have made appli-  
cation for an area variance to permit insufficient front yard for the  
location of a restaurant on Route 32 in a Designed Shopping (C) zone;  
and

WHEREAS, the applicants seek a 34 ft. front yard variance; and

WHEREAS, a public hearing was held on the 10th day of April, 1978  
before the Zoning Board of Appeals at the Town Hall, New Windsor, New York;  
and

WHEREAS, the applicants were represented by William J. Larkin, Jr.  
of William J. Larkin, Jr. Associates of 32 Ona Lane, New Windsor, New York;  
and

WHEREAS, the application was opposed by approximately 6 area  
residents present at the hearing who objected generally on the grounds that  
additional commercial activity was not needed along Route 32.

WHEREAS, the Zoning Board of Appeals makes the following findings  
of fact in this matter:

1. The notice of public hearing was duly sent to residents and  
businesses as prescribed by law and published in The Evening News; also as  
required by law.
2. The evidence shows that the variance sought for a piece of  
property located in both a commercial and residential zone.
3. The evidence shows that the building of structures will occur  
only in the commercial zone, with the residential zone being used only for  
parking purposes.
4. The evidence shows that the variance requested is for the

purpose of achieving the maximum ease of traffic flow in and out so as to ease congestion in the parking lot and on the highway.

3. The evidence shows that the proposed use will put no appreciable strain on present governmental facilities.

4. The evidence shows that the variance sought for the purpose of constructing a commercial restaurant similar to many other uses in the zone, and that there is no other feasible use for the property.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The proposed application if denied will create great practical difficulty to the applicant in properly arranging its parking and internal traffic flow.

2. The approval of the application will not produce substantial detriment to adjoining properties nor alter the character of the neighborhood.

3. The problem of traffic flow and parking cannot be solved by any feasible method other than the granting of the variance.

4. The granting of the variance is in the interests of justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant an area variance to NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: May 8, 1978.

s/ Richard Jenwick  
Acting Chairman

4/10/78 Public Hearing - Matter of N.W. Associates &  
Ponderosa Systems - 8:30

Names:

Addresses:

Marguerite Schatz ✓

28-31 43rd Astoria N.Y. 11103

Ernestine Schatz

28-31 43rd Astoria NY 11103

Al J. Schatz ✓

315 WINDSOR HWY NEW WINDSOR N.Y.

Frank. Strigo

349 old Forge Hall Rd. New Windsor

Mrs. Edw. Trizinsky

309 Windsor Hwy New Windsor N.Y.

Jose D. Deyo - 340 Windsor Hwy Newburgh N.Y. (opposed.)

(914) 565-8550

April 11, 1978

William J. Larkin, Jr. Associates  
32 Ona Lane  
New Windsor, N. Y. 12550

Attn: Mr. William J. Larkin, Jr.

RE: APPLICATION FOR FRONT YARD VARIANCE  
NEW WINDSOR ASSOCIATES/PONDEROSA SYSTEMS, INC.  
#78-13

Dear Bill:

This is to confirm that ~~the~~ above application for an area variance before the Zoning Board of Appeals was granted at the April 10, 1978 meeting. Kindly be advised that a formal decision will follow by mail.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

cc: Town Planning Board

Mr. Howard Collett, Bldg./Zoning Inspector

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-13  
(Number)

March 31, 1978  
(Date)

I. Applicant information:

- (a) NEW WINDSOR ASSOCIATES AND PONDEROSA SYSTEMS, INC.  
161 Hillside Avenue, Cresskill, N. J. 07626  
(Name, address and phone of Applicant)
- (b) PONDEROSA SYSTEMS, INC.  
(Name, address and phone of purchaser or lessee)
- (c) WILLIAM J. LARKIN, JR., ASSOCIATES  
32 Ona Lane, New Windsor, N. Y. 12550 - 565-5884  
(Name, address and phone of ~~attorney~~ consultant)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance - *front yard.*
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C Windsor Highway, New Windsor 35 1 59.2  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5 (to rear)
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1978
- (e) Has property been subdivided previously? no When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no If so, when \_\_\_\_\_
- (h) Is there a pending application for a variance or special permit? \_\_\_\_\_

78-13  
(Number)

March 31, 1978  
(Date)

I. Applicant information:

- (a) NEW WINDSOR ASSOCIATES AND PONDEROSA SYSTEMS, INC.  
161 Hillside Avenue, Cresskill, N. J. 07626  
(Name, address and phone of Applicant)
- (b) PONDEROSA SYSTEMS, INC.  
(Name, address and phone of purchaser or lessee)
- (c) WILLIAM J. LARKIN, JR., ASSOCIATES  
32 Ona Lane, New Windsor, N. Y. 12550 - 565-5884  
(Name, address and phone of ~~architect~~ consultant)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance - *front yard.*
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C Windsor Highway, New Windsor 35 1 59.2  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5 (to rear)
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1978
- (e) Has property been subdivided previously? no When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow \_\_\_\_\_

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs., Column 8

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
<u>Reqd. Front Yard</u> <u>60.</u>	<u>26</u>	<u>34</u>
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
<del>Reqd. Rear Yard <u>35</u></del>	<del>_____</del>	<del>_____</del>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs. Column 8

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yard	60.	26 34
Reqd. Side Yards	1	1
<del>Reqd. Rear Yard</del>	<del>30</del>	
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Development Coverage* %	%	%
Floor Area Ratio**		

\* Residential districts only

\*\* Non-residential districts only



- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Property is located in a "C" zone which is the proper zoning for an operation of this type. However, to the rear of the property, there is an R-5 zoning classification. Applicant must have the additional rear yard in order to have sufficient parking for customers.

Applicant is also seeking a front yard variance of 34 ft. in order to conform with zoning regulations.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 44-9, Table of New Regs., Column D.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>80 sq. ft.</u>	<u>                    </u>	<u>                    </u>
Sign 2	<u>                    </u>	<u>                    </u>	<u>                    </u>
Sign 3	<u>                    </u>	<u>                    </u>	<u>                    </u>
Sign 4	<u>                    </u>	<u>                    </u>	<u>                    </u>
Sign 5	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total	<u>80 sq. ft.</u>	<u>                    </u> sq. ft.	<u>                    </u> sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

for an operation of this type. However, to the rear of the property, there is an R-5 zoning classification. Applicant must have the additional rear yard in order to have sufficient parking for customers.

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	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>80 sq. ft.</u>		
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>80</u> sq. ft.	sq. ft.	sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant intends to construct a steak house on Route 32  
which is a very handsome operation. Since this is a "C"  
zone, such an operation would be conducive to the neighborhood  
which is commercial in nature.  
Ponderosa Systems, Inc. plans to employ a number of town's  
people and will be a strong tax ratable.  
All plans will be in accordance with the regulations of the  
Town Zoning Code and will have to be approved by the Town  
Planning Board.

☒ IX. Attachments required:

- \_\_\_ Copy of letter of referral from Building and Zoning Inspector.
- \_\_\_ Copy of contract of sale, lease or franchise agreement.
- x Copy of tax map showing adjacent properties
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- \_\_\_ Copy(ies) of sign(s) with dimensions.
- x Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping

- (b) Describe in detail the use and structures proposed for the special permit.

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☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

(Official Use Only)

X. AFFIDAVIT.

Date March 31, 1978

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

~~(Applicant)~~ Agent of Applicant

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 1978.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

\_\_\_\_\_  
~~(Signature)~~ Agent of Applicant

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1978..

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARINGS BEFORE ZONING BOARD OF APPEALS  
Monday evening - April 10, 1978  
DATE: April 3, 1978

Kindly be advised that the Zoning Board of Appeals will hold the following public hearings on Monday evening, April 10, 1978:

8:00 p.m. - Application of DEBBIE MARTIN

8:15 p.m. - Application of JERRY CIAIZZO and EDITH MANNONI

8:30 p.m. - Application of NEW WINDSOR ASSOCIATES and  
PONDEROSA SYSTEMS, INC.

I have attached hereto copies of the above applications, together with copies of the public hearing notices which were published in The Evening News on April 1, 1978.

Pat

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector  
Town of New Windsor

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a Public Hearing  
pursuant to Section 48-33A of the Zoning Ordinance on the  
following proposition:

Appeal No. 13

Request of NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.

for a VARIANCE ~~SPECIAL USE PERMIT~~ of  
the regulations of the Zoning Ordinance, to permit  
insufficient rear yard for parking

being a VARIANCE ~~SPECIAL USE PERMIT~~ of  
Section 48-12 - Table of Bulk Regulations - Column 8  
for property situated as follows:

Location on Route 32, formerly of Stenglein and  
designated on Tax Map as 35-1-59.2

SAID HEARING will take place on the 10th day of April, 19 78,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:45 o'clock P. M.

MARK STORTECKY,  
Chairman



MAR 27 1978

**WILLIAM J. LARKIN JR., ASSOCIATES**  
CONSULTANTS

32 Ona Lane, New Windsor, N. Y. 12550  
(914) 565-6200 or 565-5884

March 27, 1978

New Windsor Zoning Board of Appeals  
Town of New Windsor  
555 Union Avenue  
New Windsor, N. Y. 12550

P.H.  
April 10th -  
8:45 p.m.

Attn: Mr. Vincent Bivona, Vice Chairman

Gentlemen:

On behalf of my clients, NEW WINDSOR ASSOCIATES AND  
PONDEROSA SYSTEMS INC., I respectfully request a variance as  
follows:

Extend rear yard depth from 200 ft. to 350 ft.  
to permit parking for my client's establishment.

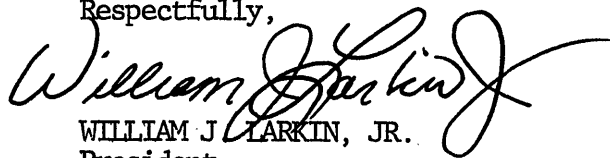
Approval of this variance is essential for us to establish  
our base of operation in New Windsor.

This variance will allow for the required off-street parking by our  
customers.

We would appreciate being placed on your April 10th  
agenda for a public hearing.

Thanking you in advance for your assistance,

Respectfully,

  
WILLIAM J. LARKIN, JR.  
President

WJL:

B.

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION  
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

Local File No. 78-13

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date April 10, 1978

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.

Address 161 Hillside Avenue Cresskill, N. J. 07626

Consultant: ~~Attorney, Engineer, Architect~~ WILLIAM J. LARKIN, JR., ASSOCIATES

3. Location of Site: 35-1-59.2 - Windsor Highway, Town of New Windsor, N. Y.  
(street or highway, plus nearest intersection) near inter-  
section of Forge Hill Rd.

Tax Map Identification: Section 35 Block 1 Lot 59.2

Present Zoning District C Size of Parcel \_\_\_\_\_

4. Type of Review:

☐ Special Permit Use\* \_\_\_\_\_

☒ Variance\* Use \_\_\_\_\_

Area extend rear yard depth from 200 ft. to 350 ft. to permit parking.

☐ Zone Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Zoning Amendment\* To Section: \_\_\_\_\_

☐ Subdivision\*\* Major \_\_\_\_\_ Minor \_\_\_\_\_

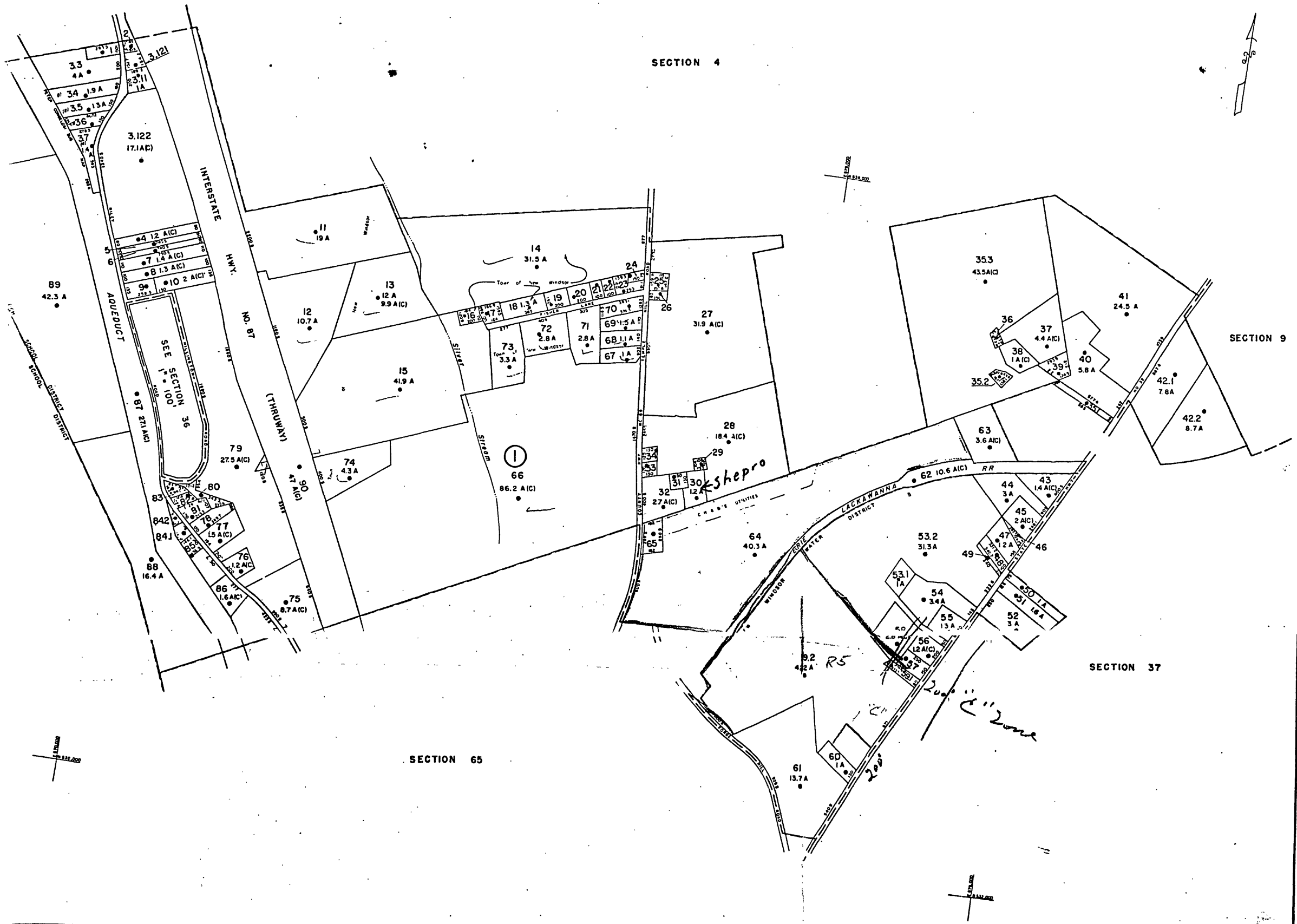
March 31, 1978  
Date

Patricia Rogansky, Secretary  
Signature and Title

\*Cite Section of Zoning Regulations where pertinent

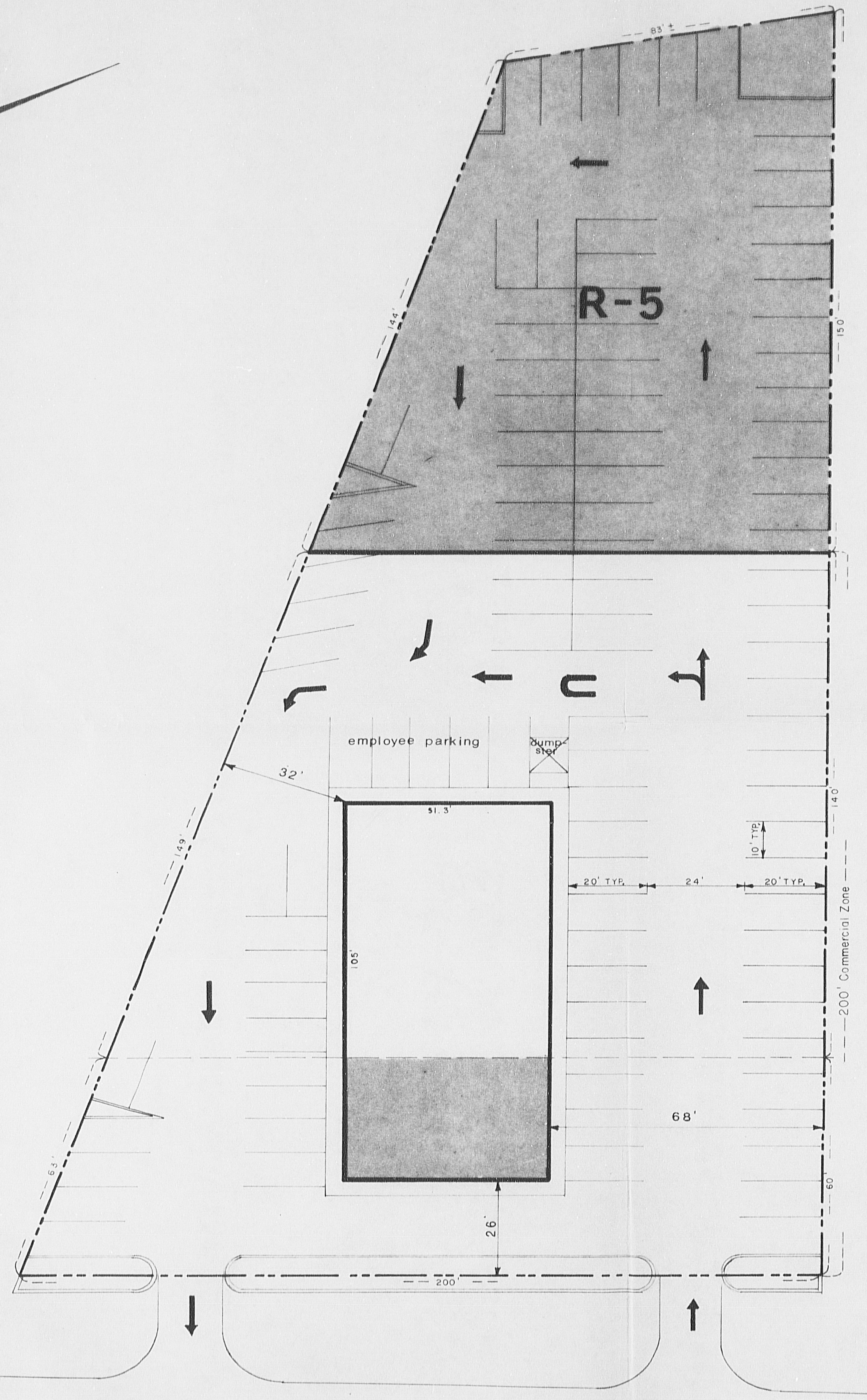
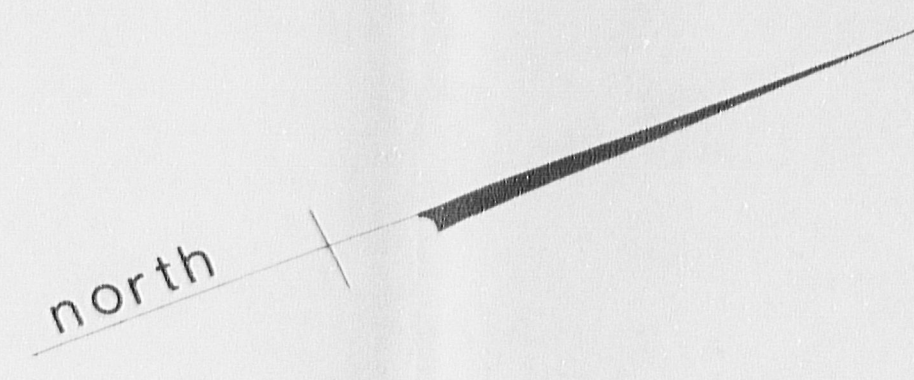
\*\*Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1

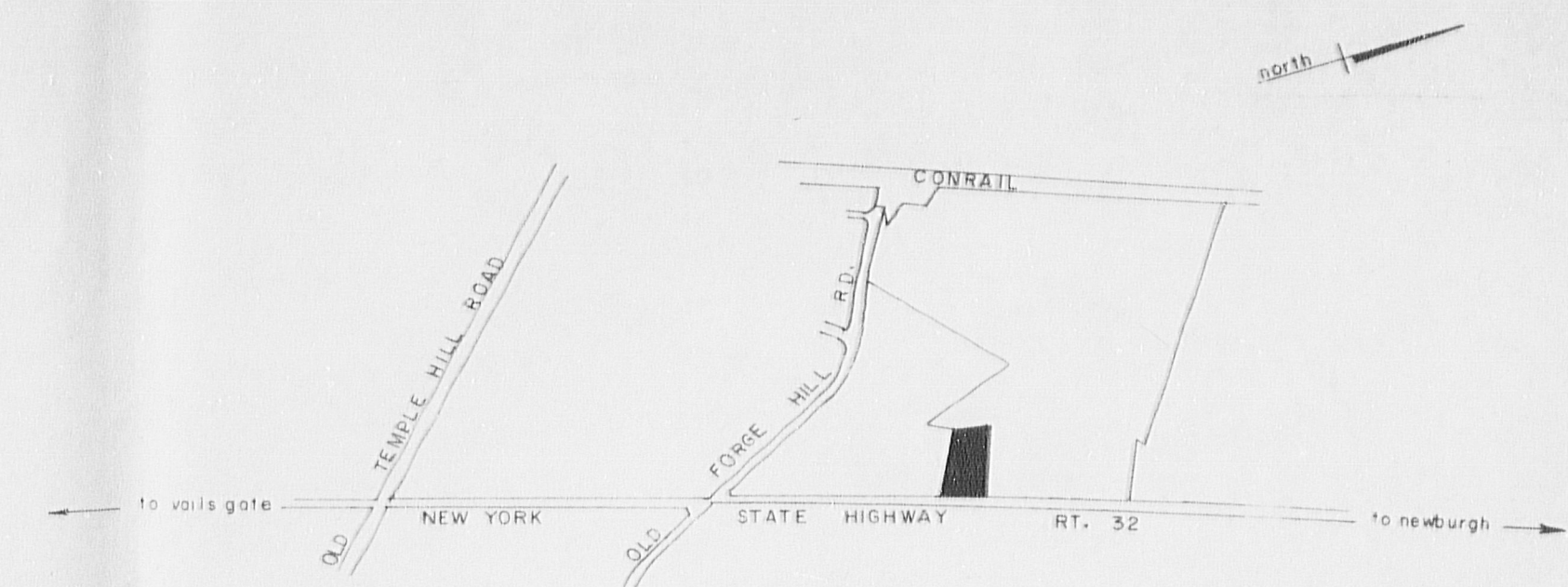


LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.



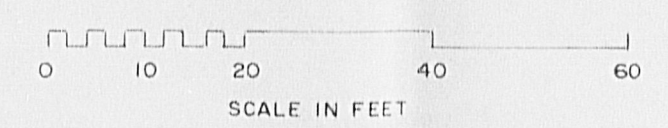


new york state highway rte. 32



LOCATION PLAN  
SCALE 1" = 800'

**NEW WINDSOR ASSOCIATES**  
**PONDEROSA SYSTEMS INC.**



APRIL 10, 1978  
PROPOSED REAR YARD VARIANCE ZONE R-5 39 PARKING SPACES  
PROPOSED FRONT YARD VARIANCE ZONE C 26 ft. SETBACK

- PROPERTY LINE
- 60' SETBACK PER ZONING REGULATIONS
- LIMITS OF PROPOSED VARIANCE
- ZONE LINE

"C" ZONE		
MINIMUM	REQUIRED	PROPOSED
SITE AREA	40,000	48,050
LOT WIDTH	200'	200'
FRONT YARD	60'	26'
SIDE YARD	30'/70'	32'/100'
REAR YARD	30'	219'
PARKING	1 per 3 seats	100